

Message Text

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ACTION ARA-14

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INSE-00 VO-05 /120 W

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R 111948Z MAY 78

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 5681

INFO AMEMBASSY BONN

AMEMBASSY CARACAS

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MEXICO

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY SANTIAGO

AMEMBASSY STOCKHOLM

AMEMBASSY TEL AVIV

USMISSION GENEVA

C O N F I D E N T I A L SECTION 1 OF 3 BUENOS AIRES 3647

E.O. 11652: GDS

TAGS: SREF, ICEM, SHUM, AR

SUBJECT: PROGRAMS FOR ARGENTINE RIGHT OF OPTION CASES

REF: (A) BUENOS AIRES 2609, (B) GENEVA 03060 NOTAL

TO INFO ADDRESSEES: YOU HAVE BEEN INCLUDED IN
ORDER TO BRING YOU UP TO DATE ON PRESENT AND
POTENTIAL PROGRAMS IN YOUR HOST COUNTRIES ON
BEHALF OF ARGENTINE POLITICAL PRISONERS. ARGENTINE
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LAW PROVIDES THAT ARGENTINES DETAINED UNDER THE
COUNTRY'S STATE OF SIEGE PROVISIONS -- WHICH
TOTAL AROUND 3,300 PERSONS -- CAN PETITION TO
EXERCISE THEIR CONSTITUTIONAL "RIGHT OF OPTION" TO
LEAVE THE COUNTRY AS LONG AS THEY HAVE A
CERTIFICATE FROM A FOREIGN COUNTRY CERTIFYING WILLINGNESS
TO RECEIVE THEM. IN PART TO ANSWER THIS NEED,

WE BELIEVE THE US ATTORNEY GENERAL WILL SHORTLY ANNOUNCE A SPECIAL PROGRAM FOR PAROLING 500 HEADS OF FAMILIES INTO THE US FROM ALL OF SOUTH AMERICA. OTHER COUNTRIES HAVE THEIR OWN PROGRAMS OR ARE HANDLING INDIVIDUALS ON A CASE BY CASE BASIS TO FULFILL A HUMANITARIAN NEED. ANY LOCAL INFORMATION ON YOUR HOST COUNTRY'S PROGRAM OR EFFORTS ON BEHALF OF ARGENTINE DETAINEES WOULD BE APPRECIATED.

SUMMARY AND INTRODUCTION: IN EFFORT TO UPDATE AND SHARE INFORMATION ON ARGENTINE DETAINEE RIGHT OF OPTION CASES, EMBASSY CONVENED MEETING OF 13 EUROPEAN AND LATIN AMERICAN EMBASSIES ON MAY 3. WE DETERMINED THAT TO DATE THOSE EMBASSIES PRESENT HAVE RECEIVED NEARLY 1000 REQUESTS FOR RIGHT OF OPTION CERTIFICATES AND HAVE GRANTED 299, BUT THAT ONLY 25 ARGENTINES ARE KNOWN TO HAVE SUBSEQUENTLY TRAVELED. (ONE--GUILLERMO VOGLER--TRAVELLED TO THE US, 18 TO ITALY, 6 TO ISRAEL; AND AN UNDETERMINED NUMBER HAVE TRAVELLED TO SPAIN.) EMBASSIES EXCEPTING ISRAEL STRONGLY ENDORSED ICEM AS PRE-SCREENING AGENT. EMBASSIES FOUND COMMON PROBLEMS INCLUDED THE DIFFICULTY OF OBTAINING RELIABLE BACKGROUND INFORMATION ON CASES, ACCESS TO PRISONERS TO CONDUCT PERSONAL INTERVIEWS, AND LACK OF FEEDBACK ON ACTUAL

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OPERATIONS OF THE SYSTEM. A BREAKDOWN OF EACH EMBASSY'S OWN PROGRAM AND RECORD IN RECEIVING AND GRANTING REQUESTS FOR RIGHT OF OPTION CERTIFICATES FOLLOWS: (END SUMMARY AND INTRODUCTION.)

1. CANADA HAS NO ARGENTINE DETAINEE PROGRAM AS OF YET, BUT IN ANTICIPATION OF AN EVENTUAL PROGRAM, IT BEGAN REGISTERING CERTIFICATE REQUESTS IN APRIL: 21 REQUESTS, NO CERTIFICATES GRANTED. SINCE 1973, CANADA'S IMMIGRATION-REFUGEE PROGRAM HAS ADMITTED NEARLY 7,000 REFUGEES FROM ALL OF LATIN AMERICA.

THE CURRENT QUOTA IS ALMOST FILLED, BUT IT IS USUALLY REESTABLISHED EACH YEAR. WITHIN THIS PROGRAM, CANADA HAS ADMITTED SOME ARGENTINES FROM BRAZIL.

2. FRANCE HAS NO DETAINEE PROGRAM PER SE. FRANCE REQUIRES NO SPECIAL PROGRAM NOR HAS IT ANY QUOTA OR NATIONALITY RESTRICTIONS. CASES OF HUMANITARIAN NEED ARE HANDLED ON A CASE BY CASE BASIS, WITH THE FINAL DETERMINA-

TION MADE BY PARIS. TO DATE, 9 REQUESTS;
8 CERTIFICATES GRANTED, WITH ONE STILL PENDING
REPLY FROM PARIS; NONE HAS BEEN ALLOWED TO
TRAVEL BY THE ARGENTINE GOVERNMENT. FRANCE
REQUIRES ONLY THAT THE PERSON BE ELIGIBLE FOR
THE OPTION PROGRAM AND AN INTERVIEW WITH THE
SUBJECT'S FAMILY; NO JAIL VISIT OR POLICE
CHECKS ARE REQUIRED. FRANCE IS NOT CONCERNED
ABOUT SUBJECT'S BACKGROUND AS IT BELIEVES IF
THE PERSON IS DETERMINED ELIGIBLE BY ARGENTINE
AUTHORITIES, HE COULD NOT BE GUILTY OF MAJOR
TRANSGRESSIONS.

3. FEDERAL REPUBLIC OF GERMANY HAS NO DETAINEE
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PROGRAM AS YET, ALTHOUGH THE GERMAN FOREIGN
MINISTRY IS PUBLICLY KNOWN TO BE CONSIDERING
A PROGRAM FOR UP TO 500 PERSONS. TO DATE, FRG
HAS GRANTED SOME 6 CERTIFICATES ON A CASE BY
CASE BASIS TO PERSONS OF GERMAN DESCENT OR
WITH STRONG PERSONAL TIES TO GERMANY. NONE
HAS BEEN ALLOWED BY GOA TO TRAVEL. FRG PROGRAM
WILL PROBABLY REQUIRE POLICE CHECK AND JAIL
VISIT.

4. HOLLAND HAS NO FORMAL PROGRAM OR QUOTA
SYSTEM. IT HAS FORWARDED 60 REQUESTS TO ITS
GOVERNMENT AND OF THAT THE HAGUE HAS AGREED
TO CONSIDER TEN CASES; NO CERTIFICATES HAVE

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BEEN GRANTED SO FAR. HOLLAND WILL PROBABLY WANT
MORE BACKGROUND INFORMATION, POSSIBLY JAIL VISITS.
(TYPICALLY IN REFUGEE CASES, HOLLAND SENDS A
HIGH RANKING TEAM TO RESOLVE CASES ON THE SPOT.
HOLLAND HAS TAKEN ABOUT 30 TO 40 CHILEAN REFUGEES
PER YEAR SINCE 1974 OR SO.)

5. SWEDEN HAS A GENERAL REFUGEE PROGRAM FOR LATIN
AMERICA, NO SPECIAL PROGRAM FOR ARGENTINE DETAINEES.
A QUOTA IS FIXED ANNUALLY AND REESTABLISHED AS NECESSARY.
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THE EMBASSY HAS AUTHORIZATION TO SELECT 100 URGENT
CASES AND HAS SINCE MARCH ISSUED 32 CERTIFICATES
IN RESPONSE TO 155 REQUESTS. NO APPLICANT HAS
BEEN RELEASED OR TRAVELED. TO DATE ALL THOSE
GRANTED CERTIFICATES HAVE HAD SOME CONNECTION
TO SWEDEN AND NO POLICE CHECKS OR JAIL VISITS
WERE REQUIRED. THOUGH THEY MAY BE NECESSARY IN
THE FUTURE. SWEDEN'S REFUGEE PROGRAM HAS A
LATIN AMERICAN QUOTA OF 1200, OF WHICH 1000
PERSONS HAVE ALREADY TRAVELED THIS YEAR. IN
ADDITION, SWEDEN GRANTED POLITICAL ASYLUM TO
800 LATIN AMERICANS IN SWEDEN THE LAST YEAR.

6. ISRAEL HAS NO PROGRAM AS THE RIGHT TO
IMMIGRATE TO ISRAEL IS AUTOMATICALLY PROVIDED
TO ALL JEWS WHO WISH TO DO SO. 40 JEWISH
CASES APPLIED, 40 CERTIFICATES WERE GRANTED.
OF THOSE, 6 HAVE TRAVELED AND 4 HAVE BEEN GRANTED
THE OPTION TO LEAVE BUT THEIR TRAVEL IS STILL

PENDING. (SEE PARAGRAPH 17 BELOW.) CERTIFICATES ARE AUTOMATICALLY PROVIDED TO JEWS BUT A PRE-TRAVEL INTERVIEW IS SCHEDULED FOR JEWS NOT KNOWN TO THE JEWISH COMMUNITY BEFORE THE SUBJECT LEAVES ARGENTINA. THE FIRST ISRAELI EMBASSY REQUEST FOR JAIL VISITS WAS MADE DIRECTLY TO THE INTERIOR MINISTRY AND WAS GRANTED WITHIN A WEEK. BUT A SECOND REQUEST IS STILL PENDING. AS ISRAEL'S IMMIGRANT VISA IMPLIES FULL CIVIC RESPONSIBILITIES, INCLUDING MILITARY SERVICE, SOME PERSONS ARE UPON REQUEST GRANTED TOURIST VISAS INSTEAD.

7. ITALY HAS NO SPECIFIC REFUGEE OR DETAINEE
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PROGRAM, EXCEPT FOR CHILEANS. PERSONS WHO CAN PROVE THEY ARE OF ITALIAN PATERNAL DESCENT ARE CONSIDERED AS DUAL NATIONALS, AND ISSUED CERTIFICATES. TO DATE, 238 HAVE APPLIED, 133 CERTIFICATES HAVE BEEN ISSUED, AND 18 PERSONS ARE KNOWN TO HAVE LEFT FOR ITALY. THE ITALIAN EMBASSY IS PERMITTED ONLY TO VISIT ITALIAN-BORN CITIZENS. IT HAS REQUESTED FOR MINISTRY PERMISSION TO VISIT THREE DUAL NATIONALS, SO FAR WITHOUT REPLY. FOR EXCEPTIONAL HUMANITARIAN REASONS, ROME HAS AUTHORIZED CERTIFICATES FOR SOME VERY FEW NON-ITALIANS.

8. MEXICO HAS NO SPECIAL PROGRAM. ALL CASES ARE HANDLED ON A CASE BY CASE BASIS DIRECTLY THROUGH MEXICO CITY. THERE HAVE BEEN 40 REQUESTS AND 6 CERTIFICATES APPROVED BY MEXICO CITY SINCE JANUARY, BUT NO ONE HAS TRAVELED SO FAR. AS IT HAS BEEN VERY DIFFICULT TO GET A POLICE CHECK, IT IS NOT REQUIRED BY MEXICAN AUTHORITIES.

9. VENEZUELA HAS HANDLED 8 ASYLUM REQUESTS SINCE 1976. IT HAS FORWARDED THREE REQUESTS FOR CERTIFICATES TO CARACAS FOR CONSIDERATION AND HAS RECEIVED NO INSTRUCTIONS NOR GRANTED ANY CERTIFICATES.

10. SPAIN HAS NO SPECIAL PROGRAM BUT HANDLES CASES ON CASE BY CASE BASIS. FIRST GENERATION SONS OF SPANIARDS CAN TRAVEL DIRECTLY TO SPAIN AS DUAL NATIONALS WITHOUT VISAS. SPANISH EMBASSY HAS HAD 117 REQUESTS, GRANTED 66 CERTIFICATES AS AUTHORIZED BY MADRID. AS NO VISAS ARE NEEDED BY DUAL NATIONALS, THE EMBASSY DOES NOT KNOW HOW MANY HAVE TRAVELED TO SPAIN. MADRID WILL

ALSO CONSIDER SOME FEW SPECIAL CASES OF NON-
SPANISH ARGENTINES.
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11. NORWAY HAS A GENERAL REFUGEE PROGRAM WITH
EXPANDABLE QUOTAS; CURRENTLY A NEW QUOTA OF
200 PERSONS WAS PROVIDED. EMBASSY IS AUTHORIZED
TO CONSIDER SPECIAL ARGENTINE CASES ON CASE BY
CASE BASIS. TO DATE, THE EMBASSY
HAS RECEIVED 110 REQUESTS AND HAS GRANTED FOUR CERTIFICATES; NO
ONE HAS BEEN RELEASED OR TRAVELED. THE NORWEGIAN
EMBASSY ASKED PERMISSION TO VISIT ONE PRISONER
AND THE INTERIOR MINISTRY HAS PROMISED TO
ARRANGE THE VISIT. NORWAY HAS TAKEN SOME
ARGENTINES FROM BRAZIL.

12. THE U.K. HAS A REFUGEE PROGRAM FOR 75 CASES
AND IS CONSIDERING A DETAINEE PROGRAM. IN
ANOTHER CONNECTION, LONDON HAS AUTHORIZED THREE
ARGENTINES WITH CLOSE U.K. CONNECTIONS TO ENTER
ENGLAND; TWO HAVE TRAVELED, ONE IS STILL IN JAIL.
THE BRITISH EMBASSY HAS NOT TAKEN ANY CERTIFICATE
REQUESTS AND WILL NOT UNTIL A DETAINEE PROGRAM
IS AUTHORIZED BY LONDON. BACKGROUND INFORMATION
AND JAIL VISITS WILL PROBABLY BE NECESSARY.

13. THE US IS EXPECTED SOON TO OPEN A PAROLE
PROGRAM FOR 500 CASES FROM ALL OF LATIN AMERICA.
CANDIDATES MUST QUALIFY UNDER US IMMIGRATION
LAW EXCEPT FOR SOME SPECIFIC WAIVED REQUIRE-
MENTS. TO DATE, 200 REQUESTS HAVE BEEN
RECEIVED, 5 CERTIFICATES GRANTED AND ONE -- GUILLERMO
VOGLER--HAS TRAVELED. US LAW REQUIRES

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FM AMEMBASSY BUENOS AIRES

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INFO AMEMBASSY BONN

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BACKGROUND INFORMATION AND

PERSONAL INTERVIEWS WHERE NECESSARY TO DETERMINE ELIGIBILITY.

WE HAVE HAD HIGH LEVEL ASSURANCES THAT WE MAY CONDUCT

INTERVIEWS IN JAIL AND TO DATE HAVE DONE SO

IN THREE SPECIAL CASES.

14. ALL THE EMBASSIES, WITH EXCEPTION OF

ISRAEL WHICH HAS SPECIFIC "RIGHT OF RETURN"

PROVISIONS FOR JEWS, SUPPORTED THE IDEA OF

INTER-GOVERNMENTAL COMMITTEE ON EUROPEAN

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MIGRATION (ICEM) TO ACT ON BEHALF

OF THE RECEIVING COUNTRIES AS AN INDEPENDENT

INTERNATIONAL PRE-SCREENING AND CONSULTATIVE

AGENCY. ICEM'S FUNCTION WAS SEEN AS RECEIVING

AND COUNSELING INTERESTED FAMILIES ON THE

INDIVIDUAL EMBASSIES' DETAINEE PROGRAMS AND

CRITERIA; PRE-SCREENING AND DOCUMENTING CASES

AS ITS OFFICE DID IN CHILE; REPRESENTING

EMBASSIES IN ARRANGING NECESSARY PROCEDURES

WITH GOA; AND FACILITATING THE DOCUMENTATION

AND ONWARD TRAVEL OF THE PERSONS INVOLVED.

EMBASSIES FELT THAT FAMILIES SHOULD BE ABLE

TO APPLY FOR CERTIFICATES TO AS MANY EMBASSIES

AS THEY WISHED. THE EMBASSIES ARE WILLING AS

A GROUP TO ENCOURAGE ICEM PARTICIPATION TO GOA.

15. A NUMBER OF EMBASSIES EXPRESSED INTEREST IN MEETING INFORMALLY AS A GROUP WITH OFFICIALS OF THE INTERIOR MINISTRY TO DISCUSS GENERAL PROBLEMS, INCLUDING THE DIFFICULTY OF OBTAINING NECESSARY BACKGROUND INFORMATION, POLICE CHECKS, AND JAIL VISITS. EMBASSY PLANS TO ARRANGE MEETING WITH INTERESTED EMBASSIES IN VERY NEAR FUTURE. AT THAT TIME WE WILL CONVEY TO GOA EMBASSIES' INTEREST IN HAVING ICEM PARTICIPATION.

16. EMBASSIES AGREED TO SHARE INFORMATION ON NAMES OF PERSONS WHO HAVE BEEN GRANTED CERTIFICATES TO FACILITATE INFORMATION EXCHANGE AND AVOID DUPLICATION OF EFFORT WHERE POSSIBLE.

17. THE WILL OF GOA TO MAKE THE RIGHT OF OPTION CONFIDENTIAL

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PROGRAM FUNCTION EXPEDITIOUSLY WAS QUESTIONED. US EMBOFF NOTED AND ISRAELI AND ITALIAN EMBOFFS CONFIRMED UNDERSTANDING THAT ARGENTINE ARMY FIRST CORPS HAS DECIDED TO SUSPEND AT LEAST UNTIL AFTER THE WORLD CUP IN JUNE THE RELEASE AND TRAVEL OF PERSONS WHO HAVE ALREADY BEEN AUTHORIZED TO LEAVE ARGENTINA AND WHO HAVE NECESSARY DOCUMENTATION FOR ONWARD TRAVEL. WE HAVE ALSO LEARNED THAT THE RIGHT OF OPTION BOARD TURNED DOWN ALL OPTION CASES CONSIDERED AT ITS LAST MEETING.

18. COMMENT: THE MEETING PROVIDED FOR AN INTERESTING AND USEFUL EXCHANGE OF INFORMATION. IT WOULD APPEAR THAT COUNTRIES ARE INDEED WILLING TO SHARE RESPONSIBILITY FOR PROVIDING HAVEN FOR ARGENTINE RIGHT OF OPTION CANDIDATES. ALTHOUGH THE EMBASSIES' CRITERIA VARY CONSIDERABLY, COMMON PROBLEMS OF ACCESS AND BACKGROUND INFORMATION EXIST. IT IS HOPED THAT AT SOME POINT ICEM WILL BE ABLE TO ASSIST EMBASSIES WITH SCREENING AND PROCEDURAL REQUIREMENTS AND THAT GOA WILL RESPOND FAVORABLY TO THE COUNTRIES' CLEAR COMMITMENT TO HELP RESOLVE AND RECEIVE ELIGIBLE PEN RIGHT OF OPTION CASES. WE HAVE NO CLEAR READING AT THIS POINT OF HOW GOA WOULD REGARD AN ICEM PRESENCE HERE TO PROCESS DETAINEES.

19. GENEVA--PLEASE PASS THE FOREGOING AND PARTICULARLY PARAGRAPHS 14 AND 15 ON ICEM TO

ICEM DIRECTOR THOMAS AND PORTER JARRELL OF
ICEM GENEVA. SEE REF B. THE TIME MAY SOON
BE PROPITIOUS FOR ICEM ITSELF TO OFFER TO
ASSUME A ROLE IN EXPEDITING RIGHT OF OPTION
CASES ON BEHALF OF INTERESTED EMBASSIES.

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20. SANTIAGO--PLEASE BRIEF ICEM KOZAK ON
PERTINENT DETAILS.
CASTRO

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Message Attributes

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TAGS: SREF, SHUM, AR, ICEM
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